

of or for measuring a hole in a component". The Sawyer patent relied on by the Examiner concerns a finial adapter for curtain rods and has nothing to do with a device for determining the position of or measuring a hole in a component as claim 1 requires. Nothing has been referred to by the Examiner which would suggest using either of the finial adapter assembly forms illustrated in the Sawyer patent as such a position determining or hole measuring device.

Claim 1 also defines at least part of an attachment element which can be connected releasably to a spike as produced from a magnetic material. Lines 16-21 on page 2 of the substitute specification provide that this feature facilitates the carrying-out of (1) very precise measurements and (2) measurements at inaccessible locations. The Sawyer patent does not disclose an attachment element having any part produced from a magnetic material, and it is respectfully submitted that the rationale set forth in lines 2-5 on page 3 of the Office Action for making the adapter or bushing 20 out of magnetic material is inappropriate. The screw 16 (the "spike/screw" referred to by the Examiner) will not "drop away" from either the curtain rod 10 or the end cap 15 of the Sawyer assembly due to the cooperation between the wood-screw thread at the end 18 of the screw 16 and the curtain rod 10.

It is respectfully submitted that, for reasons discussed above, claim 1 is patentable in its present form.

Claims 3 and 4 depend on claims 1 and 2 and, therefore, are patentable for the same reasons as claim 1. Claim 3 also particularly specifies that the spike of the present invention can be screwed to the attachment element. Claim 4 particularly specifies that an upper part of the spike can be passed through an insert and can be screwed to the inside of the shell. These features are neither disclosed nor suggested by the Sawyer patent. Although the "spike/screw" 16 of the Sawyer adapter does include a machine-screw-threaded end 19, this end 19 is screwed to a bushing 20 rather than to the finial 11. Contrary to the assertion made by the Examiner in lines 6-8 on page 3 of the Office Action, the "upper part" formed by machine-screw-threaded end 19 is not screwed to the inside of a shell. Again, the "upper part" 19, instead, is screwed to the bushing 20. Claims 3 and 4, therefore, are patentable.

Finally, reconsideration of the position taken by the Examiner in connection with the rejection of claims 5 and 8-10 is requested. Advantages of fastening the spike to the attachment member in an asymmetrical manner are discussed, for example, in lines 21-29 on page 3 of the substitute specification, and nothing properly relied on by the Examiner suggests a spike which can be fastened in the manner

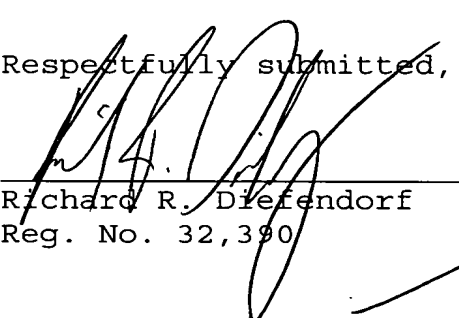
particularly specified by claims 5 and 8-10. Should the Examiner persist in rejecting claims 5 and 8-10 based on the official notice referred to, it is requested that the Examiner cite a reference in support of his position that fastening of a spike in an asymmetrical manner to an attachment element as claimed would have been obvious pursuant to MPEP 2144.03.

All claims as they presently appear in this application are patentable, and this application is in condition for allowance. Should the Examiner have any questions after considering this Reply, the Examiner is invited to telephone the undersigned attorney.

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